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OFFICE OF PETITIONS

In re Application of
Yu-Chung Lee
Application No. 09/777,827
Filed: February 7, 2001
Attorney Docket No. FP7506

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed August 4, 2006.

The application became abandoned for a failure to timely respond to a Notice to File Corrected Application Papers mailed March 14, 2001. Accordingly, the date of abandonment of this application is May 14, 2001. A Notice of Abandonment was mailed on May 30, 2003. On August 4, 2006, the present petition was filed.

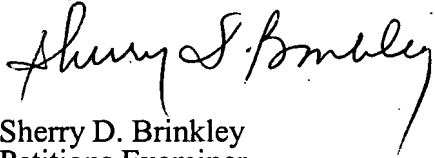
The above-identified application has been abandoned for an extended period of time. The U.S. Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional." See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The petition satisfies the requirements of 37 CFR 1.137(b) in that the petitioner has supplied (1) the reply in the form of an abstract; (2) the petition fee of \$750; and (3) an adequate statement of unintentional delay.

Accordingly, the petition is GRANTED.

The application is being referred to the Office of Initial Patent Examination (OIPE) for review of the response filed August 4, 2006.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000.



Sherry D. Brinkley
Petitions Examiner
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